IN THE CLAIMS:

Please cancel claim 12 without prejudice.

Please rewrite claims 1, 10, 11 and 13-19 as set forth below in clean form. Additionally, in accordance with 37 CFR 1.121(c)(1)(ii), amended claims 1, 10, 11 and 13-19 is set forth in a marked-up version in the pages attached to this amendment.

1. A method of operating a brake assistant system which comprises a first mode of operation in which the brake assist system is not actuated, a second mode of operation in which after recognition of an emergency brake situation a pressure build-up of wheel brakes is generated, and a third mode of operation which is provided for the transition from the second into the first mode of operation, comprising the steps of:

monitoring the master cylinder pressure in the third mode of operation,

determining when the wheel brake pressure is excessively elevated compared to the monitored master cylinder pressure, and

diminishing the amount of excess elevation by controlling the wheel brake pressure as a function of the monitored master cylinder pressure throughout the duration of the third mode of operation.

10. The method according to claim 1, wherein the excess elevation is a function of a driving situation and/or an input of a vehicle driver via the brake pedal.

11. The method according to claim 10, wherein the rate at which the excess elevation is diminished increases with a greater time duration and/or the intensity of a diminution of the brake pedal force.

13. The method according to claim 1, wherein the step of controlling the wheel brake pressure includes the sub step of determining a momentary value of the wheel brake

pressure by multiplying a momentary value of a time-dependent excess elevation function with the momentary value of the master cylinder pressure.

14. The method according to claim 15, wherein the step of declining the excess elevation function comprises monotonously declining the excess elevation function as a function of time.

15. The method according to claim 13, further including the step of declining the excess elevation function in time intervals in which the master cylinder pressure is declining.

16. The method according to claim 13, further including the step of keeping the excess elevation function constant in time intervals in which the master cylinder pressure is increasing.

17. The method according to claim 13, wherein the momentary value of the excess elevation function is a function of a previous course of the master cylinder pressure.

18. The method according to claim 13, further including the step of presetting a maximum value for the excess elevation function.

19. The method according to claim 13, further including the step of changing the brake assistant system from the third mode of operation into the first mode of operation when the excess elevation function substantially has a value equal to 1.

IN THE SPECIFICATION:

Please delete the first full paragraph on page 5 and replace it with the paragraph set forth immediately below in clean form. Additionally, in accordance with 37 CFR 1.121(b)(iii), all paragraphs amended herein are set forth in a marked up version on the sheets attached to this amendment.

In Fig. 1, a possible pressure course $p_{TMC}(t)$ of the tandem master cylinder pressure, substantially after the state "Total Pressure Build-up", is schematically depicted. The tandem master cylinder pressure $p_{TMC}(t)$ is, due to the actuation of the brake assistant function, significantly smaller than the wheel brake pressure $p_{WHEEL}(t)$. The possible pressure course $p_{TMC}(t)$ schematically depicted in Fig. 1 is the result of an input by the driver by means of actuation of a brake pedal. In Fig. 1 can be seen that the tandem master cylinder pressure $p_{TMC}(t)$ is substantially constant between a point in time t_0 and t_1. This means that $p_{TMC}'(t) = 0$ in the interval from t_0 to t_1. Between the point in time t_1 and a point in time t_2, the tandem master cylinder pressure decreases continuously. At the point in time t_2, the tandem master cylinder pressure $p_{TMC}(t)$ reaches a minimum value $p_{TMC}(t_2)$. Between the point in time t_2 and a point in time t_3, the tandem master cylinder pressure $p_{TMC}(t)$ increases continuously. At the point in time t_3, the master cylinder pressure has a maximum value $p_{TMC}\ t_3$. Between the point in time t_3 and a point in time t_4, the master cylinder pressure decays continuously. At the point in time t_4, the tandem master cylinder pressure $p_{TMC}(t)$ has a minimum value $p_{TMC}(t_4)$. In this example, the master cylinder pressure rises anew as of the point in time t_4.